

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

ANGEL HERNANDEZ,
HUMBERTO DIAZ,
YUDINIS DIAZ,
FRANK PEREZ, and
YURI PEREZ.

Defendants.

CASE NUMBER: 08-3621 RLD

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 4, 2008, in Miami-Dade County, in the Southern District of Florida, the defendants did knowingly and intentionally conspire to interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951(a); did knowingly and intentionally interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2; and did knowingly possess a firearm in furtherance of a crime of violence, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

I further state that I am a Task Force Officer with the Federal Bureau of Investigation and that this complaint is based on the facts contained in the attached affidavit.


GERARD J. STARKEY, TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION

Sworn to before me, and subscribed in my presence,

December 11, 2008
Date

at Miami, Florida
City and State

ROBERT L. DUBE
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

8. During this time, a subject instructed Angel HERNANDEZ to leave the area. A subject entered the rear of the truck, pointed the barrel of a firearm through the gunport, located in the center divider while giving Angel HERNANDEZ instructions. At this point, the same subject pushed a cloth bag through the gunport instructing Angel HERNANDEZ to place all of his personal items and firearm in the bag.
9. Angel HERNANDEZ moved the truck behind a strip mall located just west of Northwest 79 Avenue, in the alley way. A subject instructed Angel HERNANDEZ to open the passenger side front door, and told him to hand the bag to the second subject standing outside of the truck.
10. Angel HERNANDEZ later advised investigators that it was at this time that a subject sprayed him with some type of chemical spray, leaving his eyes irritated. A subject then retrained Angel HERNANDEZ's hands with plastic tie wraps and left him laying on the floorboard.
11. The subjects offloaded the United States currency carried on board in the amount of \$1,433,570.00. This currency was in various denominations secured in ATM servicing canisters and coin boxes.
12. The messenger freed himself and flagged down a passing motorist, who called the Miami-Dade Police Department (MDPD), who secured the scene upon arrival.
13. On Tuesday, December 9, 2008, Angel HERNANDEZ confessed his involvement in a post-Miranda statement to authorities. He implicated Humberto DIAZ, Yudinis DIAZ, Frank PEREZ and Yuri PEREZ.
14. Angel HERNANDEZ advised that Humberto DIAZ, another Brinks employee, recruited him to commit a robbery of a Brinks armored truck. Humberto DIAZ told Angel HERNANDEZ he had other willing participants.
15. After Angel HERNANDEZ agreed to commit a robbery, he and Humberto DIAZ, Yudinis DIAZ, Frank PEREZ and Yuri PEREZ had numerous conversations in person and by telephone. The in person meetings often took place at Humberto DIAZ's and Yudinis DIAZ's (they are husband and wife) house.
16. The plan agreed upon by Angel HERNANDEZ, Humberto DIAZ, Yudinis DIAZ, Frank PEREZ, Yuri PEREZ and another female (hereinafter "the female") called for each participant to have specific roles, discussed more fully below. According to Angel HERNANDEZ, the messenger was not a participant in, nor was he aware of, the intend robbery.
17. Angel HERNANDEZ told investigators that a family member, and now, cooperating witness (hereinafter the CW), took possession of his share of the robbery from Frank PEREZ.

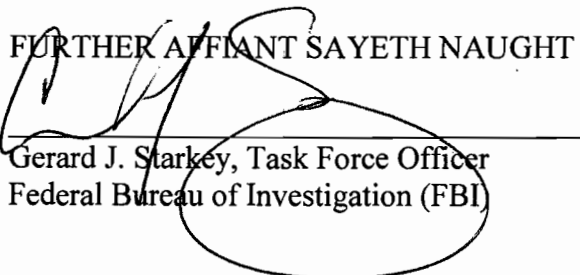
18. On Wednesday, December 10, 2008, the CW and others consented to a search of the CW's residence. The consent search yielded large sums of currency. The money was in stacks, wrapped in plastic and placed inside one piece of soft luggage. The CW claimed that Angel HERNANDEZ secreted the money in the location from which authorities recovered it.
19. The CW advised law enforcement that a person he later identified as Frank PEREZ contacted him on December 4, 2008, between 2:00 pm and 3:00 pm, instructing him to meet him at a specific location. The CW agreed.
20. The CW advised that Frank PEREZ arrived in a Black BMW, 7 series. He instructed the CW to open the rear hatch cover of the CW's vehicle, which the CW did. Frank PEREZ then placed the above referenced piece of soft luggage in the rear cargo bed area. The CW advised that he drove away and later gave the luggage to Angel HERNANDEZ on December 6, 2008. The CW claimed to be unaware that the luggage contained United States currency.
21. On December 10, 2008, Angel HERNANDEZ agreed to engage Humberto DIAZ in a monitored and recorded conversation. Yudinis DIAZ was present for the conversations. The monitored conversations revealed admissions of involvement in the subject robbery by Humberto DIAZ and Yudinis DIAZ.
22. On that same date, and subsequent to the monitored conversations, law enforcement initiated contact with Humberto DIAZ and Yudinis DIAZ at their residence. Yudinis DIAZ answered the door and immediately began to apologize profusely for the robbery, stating that they intended to return the stolen money. Both Humberto DIAZ and Yudinis DIAZ agreed to a consent search of the aforementioned residence. Yudinis DIAZ directed law enforcement to specific locations within the residence where they hid the stolen currency. The money was packaged in a similar manner to that found in the home of the CW. Law enforcement believes they recovered approximately \$165,000.00 from the residence.
23. Yudinis DIAZ provided a post-Miranda statement admitting involvement in the planning of the robbery. She acted as "the look out." In exchange, she and her husband were to receive \$164,000.00. She advised that the plan called for Frank PEREZ and Yuri PEREZ to hold up Angel HERNANDEZ and the messenger on that date, time and location. They were supposed to use B.B. guns. Frank PEREZ and Yuri PEREZ were to be driven to the robbery location by the female, who would then leave. Yudinis DIAZ advised that the female called her later that day to meet at a specific location. From there, each drove their separate cars to the residence shared by the female, Frank PEREZ and Yuri PEREZ. Shortly after her arrival, Frank PEREZ and Yuri PEREZ arrived in a white cargo van. Inside the rear compartment she noticed large amounts of packaged currency that were inside black garbage bags. She, the female, Frank PEREZ and Yuri PEREZ off loaded the garbage bags into the residence. Once inside, Frank PEREZ and Yuri PEREZ gave her her share of the

money. It was her understanding that she and her husband Humberto DIAZ would receive an equal quarter share. She loaded the garbage bag into her vehicle and left to her residence, where she stored the money in the condition in which law enforcement later observed it.

24. Humberto DIAZ also provided a post-Miranda statement in which he admitted his involvement in the robbery. He admitted that he recruited Angel HERNANDEZ to commit this robbery with his wife, Yudinis DIAZ, Frank PEREZ, Yuri PEREZ and the female. He advised law enforcement that his wife was "the look out," and that the female was to drop Frank PEREZ and Yuri PEREZ at the robbery location. In exchange for his participation, he and his wife were to receive an equal quarter of the robbery proceeds. He was not present during the robbery, as he was acting in his capacity as a Brinks employee at the time, driving his own armored car. He confirmed with his wife receipt of their share of the robbery proceeds when he returned home. He advised that the messenger was not involved in any way. Additionally, he advised that Frank PEREZ and Yuri PEREZ were to be armed during the robbery with B.B. guns
25. Once authorities learned of the involvement of the female, Frank PEREZ and Yuri PEREZ, they surveilled the PEREZ residence. On December 10, 2008, law enforcement observed Frank PEREZ, Yuri PEREZ and the female inside a white cargo van in front of the residence. Law enforcement approached and requested consent to search the residence and the van, and other vehicles present. The female, Frank PEREZ and Yuri PEREZ consented to the requested searches.
26. Frank PEREZ provided a post-Miranda statement admitting his involvement. Frank PEREZ told authorities that he and his brother Yuri PEREZ, along with Humberto DIAZ, Yudinis DIAZ and Angel HERNANDEZ agreed to rob the Brinks truck. Frank PEREZ admitted that he used a B.B. gun to commit this crime. He advised that Yuri was not armed when the robbery began. He admitted that Yudinis DIAZ was "the look out." He further advised that he and Yuri DIAZ approached the messenger, forcing him at gun point into the rear cargo area. Yuri DIAZ took possession of the messengers firearm. Frank PEREZ tied up the messenger. They instructed Angel HERNANDEZ to drive as directed. While en route, Yuri PEREZ stuffed a pillow case through the port hole, demanding Angel HERNANDEZ's personal items, including, but not limited to, his firearm. Angel HERNANDEZ complied. Upon arrival at the designated location, Yuri PEREZ exited the vehicle and went to Angel HERNANDEZ and retrieved the pillow case. He stated that Yuri PEREZ then tied Angel HERNANDEZ's hands and then sprayed Angel HERNANDEZ with pepper spray previously provided by Yudinis DIAZ. They off loaded the currency and drove off in the white cargo van. They drove into Hialeah, Florida and they broke open the ATM canisters and took the money. They disposed of the canisters, as well as the firearms taken from Angel HERNANDEZ and the messenger. They arrived to their residence and split the money.

27. Yuri PEREZ also provided a post-Miranda statement to authorities admitting his involvement. His statement tracked that of Frank PEREZ.
28. The searches at the residence shared by the female and the PEREZ's revealed a B.B. gun. A 7 series BMW was also at the residence, which was consistent with the CW's account. A search of Yuri PEREZ revealed wads of currency, some of which was banded with a Wachovia Bank money strap, consistent with what authorities learned was inside the armored truck on December 4, 2008.
29. Frank PEREZ agreed to take authorities to the rest of the money, which was located in a storage shed in Hialeah, Florida. He also directed authorities to the trash dumpsters where he claimed to have disposed of the firearms. However, no firearms were recovered.
30. Based upon the forgoing information and investigation, your affiant believes that there is probable cause to find that Angel HERNANDEZ, Humberto DIAZ, Yudinis DIAZ, Frank PEREZ and Yuri PEREZ did knowingly and intentionally conspire to interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951(a); did knowingly and intentionally interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2; and did knowingly possess a firearm in furtherance of a crime of violence, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

FURTHER AFFIANT SAYETH NAUGHT


Gerard J. Starkey, Task Force Officer
Federal Bureau of Investigation (FBI)

Sworn and subscribed to before
me this ~~24th day of July, 2008.~~

11 Dec 08

ROBERT L. DUBE
UNITED STATES MAGISTRATE JUDGE